

 <p><b>Financial Assistance Award</b></p> <p><b>DENALI COMMISSION</b>          510 L Street, Suite 410          Anchorage, Alaska 99501          (907) 271-1414 (phone)          (907) 271-1415 (fax)          www.denali.gov</p>		<b>Award Number</b>	01006-00																																																																														
		<b>Award Title</b>	Seward East Harbor Reconstruction																																																																														
		<b>Performance Period</b>	June 1, 2008 through April 30, 2010																																																																														
<b>Authority</b> 112 Stat 1854		<b>CFDA Number</b> 90.100		<b>Recipient Organization &amp; Address</b> Seward, City of P.O. Box 167 Seward, AK 99664-0167																																																																													
<b>Denali Commission Finance Officer Certification</b>		Jennifer Price 08/06/2008		<b>Phone:</b> (907) 224-4063 <b>Recipient DUNS #</b> 037996634 <b>TIN #</b> 926000086																																																																													
<b>Cost Share Distribution Table</b>																																																																																	
<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th rowspan="2">Accounting Code</th> <th colspan="2">New Funding</th> <th colspan="2">Prior Period Funding</th> <th rowspan="2">Total</th> </tr> <tr> <th>Denali Commission</th> <th>Other Contributors</th> <th>Denali Commission</th> <th>Other Contributors</th> </tr> </thead> <tbody> <tr> <td>95670000AL</td> <td>\$1,000,000.00</td> <td></td> <td>\$0.00</td> <td></td> <td>\$1,000,000.00</td> </tr> <tr> <td></td> <td>\$0.00</td> <td></td> <td>\$0.00</td> <td></td> <td>\$0.00</td> </tr> <tr> <td></td> <td>\$0.00</td> <td></td> <td>\$0.00</td> <td></td> <td>\$0.00</td> </tr> <tr> <td></td> <td>\$0.00</td> <td></td> <td>\$0.00</td> <td></td> <td>\$0.00</td> </tr> <tr> <td></td> <td>\$0.00</td> <td></td> <td>\$0.00</td> <td></td> <td>\$0.00</td> </tr> <tr> <td>City of Seward</td> <td></td> <td>\$4,500,000.00</td> <td></td> <td>\$0.00</td> <td>\$4,500,000.00</td> </tr> <tr> <td></td> <td></td> <td>\$0.00</td> <td></td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td></td> <td></td> <td>\$0.00</td> <td></td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td></td> <td></td> <td>\$0.00</td> <td></td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td></td> <td></td> <td>\$0.00</td> <td></td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$1,000,000.00</b></td> <td><b>\$4,500,000.00</b></td> <td><b>\$0.00</b></td> <td><b>\$0.00</b></td> <td><b>\$5,500,000.00</b></td> </tr> </tbody> </table>						Accounting Code	New Funding		Prior Period Funding		Total	Denali Commission	Other Contributors	Denali Commission	Other Contributors	95670000AL	\$1,000,000.00		\$0.00		\$1,000,000.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	City of Seward		\$4,500,000.00		\$0.00	\$4,500,000.00			\$0.00		\$0.00	\$0.00			\$0.00		\$0.00	\$0.00			\$0.00		\$0.00	\$0.00			\$0.00		\$0.00	\$0.00	<b>Total</b>	<b>\$1,000,000.00</b>	<b>\$4,500,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$5,500,000.00</b>
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<p>The Denali Commission is providing \$1,000,000 in Section 1934 SAFETEA-LU funds to the City of Seward for the subject project. The City of Seward is providing required match funds through its overall project. Denali Commission funds and match funds will be managed by the City of Seward.</p> <p>This project will expand the Seward boat harbor to house large commercial fishing and US Coast Guard vessels. Construction includes floats, gangway and approach, utilities and fire suppression system. This large-vessel harbor will improve maneuver safety and overall operations. This facility also extends the life of other harbor areas through reduced wear on smaller floats, piling and gear.</p> <p>In addition to reporting quarterly, the City of Seward shall meet twice annually with the Commission to report lessons learned and project status. These meetings shall include community participation.</p>																																																																																	
<b>Signature of Authorized Official - Denali Commission</b>  Electronically Signed		<b>Typed Name and Title</b> George Cannelos Federal Co-Chair		<b>Date</b> 08/04/2008																																																																													

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## SCOPE OF WORK

1. The Denali Commission is providing \$1,000,000 in Section 1934 SAFETEA-LU funds to the City of Seward for the subject project. The City of Seward is providing required match funds through its overall project. Denali Commission funds and match funds will be managed by the City of Seward.

This project will expand the Seward boat harbor to house large commercial fishing and US Coast Guard vessels. Construction includes floats, gangway and approach, utilities and fire suppression system. This large-vessel harbor will improve maneuver safety and overall operations. This facility also extends the life of other harbor areas through reduced wear on smaller floats, piling and gear.

In addition to reporting quarterly, the City of Seward shall meet twice annually with the Commission to report lessons learned and project status. These meetings shall include community participation.

Project performance shall be monitored and measured on a quarterly basis using the documentation of record (project nomination) as a reference point, making updates as necessary. The following items shall be monitored and reported in the narrative of the quarterly report:

1. Improved safety and operations.
2. Improved economic and subsistence opportunities.

The project sponsor (Recipient) has demonstrated the administrative capability for managing Denali Commission funds, as documented by the Denali Commission Transportation Program Manager (Manager) and retained in the subject award file. Denali Commission, in consultation with the Federal Highway Administration, Alaska Division (FHWA) will provide financial management and project development technical assistance throughout the project to assist in successful project execution.

All payments for design and/or construction tasks associated with the subject project are on a reimbursable payment basis.

Contractual and consulting services used in this project shall be procured in an open and fair competitive manner, consistent with the Federal Acquisition Requirements (FARS) and other applicable federal law.

Contractual services procured through sole-source contracts, or through processes that do not meet the FAR and/or Title 23 requirements, will not be eligible for Denali Commission funding.

Prior to starting the competitive-bid process for design engineering and/or construction management services, the Recipient will meet in a pre-bid meeting with the Manager to review the procurement process.

The Manager, in consultation with FHWA, will work with the Recipient to develop a procurement process applicable to project conditions. The Manager will approve the procurement process prior to advertising for design engineering and/or construction management services.

Subsequent to the successful award of a design engineering and/or construction management contract, the Recipient, the successful firm and the Manager will conduct a post-award meeting to review FHWA requirements associated with the contract tasks.

## DESIGN

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Design development and management will begin with a competitive bid process for design engineering services that meets Title 23 USC requirements, including advertising in regional and statewide publications. Prior to advertising, the project sponsor will submit the procurement process and advertising package to the Manager for approval. Subsequent to selection, the Recipient will conduct a post-award meeting as outlined in the paragraph above.

A selected design-qualified engineering firm will execute tasks and develop products including, the National Environmental Policy Act (NEPA), design, utilities, and Right of Way approvals, including the Buy America Steel program, appropriate for Title 23 USC requirements and site conditions. The Manager, in consultation with FHWA will conduct subsequent product reviews and approvals as needed. If the project is funded for and scheduled for construction, the engineering firm will prepare construction bid documents for review and approval, and will execute subsequent advertising, selection and negotiation tasks for the Recipient.

## CONSTRUCTION

Construction Management will be accomplished through a qualified construction management firm, selected by the Recipient through a competitive bid process compatible with Title 23 USC requirements. Prior to advertising, the project sponsor will submit the procurement process and advertising package to the Manager for approval.

If construction bid documents are not in place for the Denali Commission funded project, the selected engineering firm will prepare construction bid documents for approval, and will execute subsequent advertising, selection and negotiation tasks for the Recipient.

The Recipient, through the selected engineering firm, will execute construction under Davis-Bacon wage requirements and in accordance with the project's approved NEPA environmental documents, Corps of Engineers permits, and other federal, state and local permits.

The Recipient owns the facility and will ensure a clear Right of Way adequate for construction. The approved environmental and Right of Way documents will be retained in the project's file at Denali Commission. The Recipient is responsible for ongoing maintenance after construction is complete.

All Commission funding is intended for use for the scope of work identified in the Award document only. Any balance of funds remaining after the full scope of work has been completed will be returned to the Denali Commission.

## MILESTONES

- The following milestones are identified as the major steps to be completed as part of the project. "Planned" dates for the first milestone are included here. As part of each progress report, the City of Seward will update the progress toward meeting these milestones (see section 7, Reporting).

Milestone	Planned Start Date	Planned End Date	Actual Start Date	Actual End Date	Units	Total Cost at Completion
Construction	06/01/2008	04/30/2010				\$
Project Close-out	05/01/2010	07/31/2010				\$

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## AWARD PERFORMANCE PERIOD

1. The Award performance period is June 1, 2008 through April 30, 2010. This is the period during which Award recipients can incur obligations or costs against this Award.

## DIRECT AND INDIRECT COSTS

1. The cost principles of OMB Circular A-87 are applicable to this Award. Direct costs associated with the City of Seward East Harbor Construction project are allowed under this document. Indirect costs associated with the City of Seward management of Denali Commission funds are allowed at the rate established by the Denali Commission at 5.00% for 2008 for Title 23 funds.

## BUDGET AND PROGRAM REVISIONS

1. The Administrative Circular, OMB A-102, applies to this Award. Please refer to the Administrative Circular for specific details on revisions to this Award. The Circular requires that the City of Seward will inform the Denali Commission in writing at the earliest possible date of any unanticipated project cost overrun, project schedule delays, or changes in the project scope or changed site conditions.

## PAYMENTS

1. Payments under this Award will be made by electronic transfer in response to a "Request for Advance or Reimbursement", Standard Form 270 (SF-270) submitted by the City of Seward. Requests for advances or reimbursements may be made at the end of each quarter and should be submitted no later than 30 days after the federal quarter. The SF-270 must be submitted to the Denali Commission via fax, e-mail ([finance@denali.gov](mailto:finance@denali.gov)) or mail in order for payment to be processed. The form is available on the OMB website: [http://www.whitehouse.gov/OMB/grants/grants\\_forms.html](http://www.whitehouse.gov/OMB/grants/grants_forms.html). Payments shall be made in accordance with A-102. Please contact the Denali Commission's Finance Manager at (907) 271-1414 for further information about submitting this form. **No interest will be accrued on these funds.**

## REPORTING

1. Two forms of project reporting are required under this Award, listed below. The Grantee Organization shall submit reports using the Denali Commission's on-line Project Database System, available at <http://www.denali.gov/>. If there are technical limitations which may prevent the recipient from meeting this requirement, please contact the Program Manager listed in this agreement.
  - a. **Progress Reports** shall be submitted on a quarterly basis. The first reporting period is June 1, 2008 to September 30, 2008 and quarterly thereafter. Reports are due within 30 days of the end of the reporting period. Progress reports shall include the following:
    - i. Total project funding, including both Denali Commission funding and other project funding sources.
    - ii. The total project expenditures for the project as of the end of the reporting period, including both Denali Commission and Other funding sources.
    - iii. Updated schedule and milestone information as identified in the Scope of Work.
    - iv. Narrative summary of the project status and accomplishments to date, any problems, overruns and delays, including any type of litigation related to the project, and address the following questions: is the project on schedule, is the project on budget, and what actions

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are planned to address any project problems.

v. **Construction Projects:** Photographic documentation of project progress shall be provided with the progress reports for active construction projects. The photo documentation shall include a minimum of three, dated photos per reporting period such that a complete record of the construction is maintained over time, from 'before,' showing the situation before the start of construction, to 'during' showing work proceeding on the project, and 'after' to show the finished project. Photos shall be provided in a digital format as part of the on-line report. A short description of the activity and names of those in the photos shall also be provided.

b. **Federal Single Audits** shall be submitted annually, when required. In accordance with OMB Circular A-133, which requires [subpart 200] 'Non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of this part [subpart 205]. The determination of when an award is expended should be based on when the activity related to the award occurs.'

Recipients shall also submit single audits to the Federal Clearinghouse as designated by OMB. Information can be found on the following web-site: <http://harvester.census.gov/sac/>

## PROJECT/AWARD CLOSE-OUT

1. The project close-out report shall be completed within 90 days of the end of the Award performance period or within 90 days of the completion of the project, whichever is earlier. Recipients must also draw down any remaining funds for expenditures incurred under this award during this 90-day period.

The project close-out report shall be submitted on-line through the Denali Commission's on-line Project Database System, available at [www.denali.gov](http://www.denali.gov). The project close out will require the recipient to submit the following information:

- a. Final data for each item listed in the Reporting Section, paragraph (a) "Progress Reports."
- b. Final project expenditures itemized by the following categories: planning & design; materials & equipment; freight; labor; project administration/overhead; and other expenses.
- c. Acknowledgement of support: For all construction projects, the Award recipient shall display a sign that acknowledges the Government's support for the project(s) developed under this Award. The Commission will provide an appropriate sign. The Award recipient must request an indoor and/or an outdoor sign from the Commission office. Pickup or delivery of the sign can be arranged at that time.

## PUBLIC POLICY LAWS AND ASSURANCES

1. Award recipients are required to comply with the public policy laws and assurances on Standard Form SF 424d (construction projects). Some of the laws are highlighted below for your reference.

To the maximum extent practicable, considering applicable laws, Funding Recipients shall accomplish the project contemplated by the Award using local Alaska firms and labor.

No portion of this award may be used for lobbying or propaganda purposes as prohibited by 18 U.S.C. Section 1913 or Section 607(a) of Public Law 96-74.

Project level environmental reviews in accordance with the National Environmental Policy Act (NEPA)

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and the National Historic Preservation Act (NHPA) will be prepared as part of project design for Denali Commission approval.

## **NON-COMPLIANCE WITH AWARD CONDITIONS**

1. Recipients not in compliance with the terms and conditions of this Financial Assistance Award will be notified by the Denali Commission. The Denali Commission will work with the recipient to identify the steps necessary to bring them back into compliance, and will establish an appropriate time frame for the corrections to be made. If the corrections have not been made by the deadline, the Denali Commission reserves the right to either suspend or unilaterally terminate the Financial Assistance Award for non-performance.

## **CONTACTS**

1. For assistance on program issues please contact:  
Mike McKinnon, Transportation Program Manager  
510 L Street, Suite 410  
Anchorage, AK 99501  
Phone: (907) 523-9877  
Fax: (907) 271-1415  
Email: [mgmckinnon@gci.net](mailto:mgmckinnon@gci.net)
2. For assistance on grants management issues please contact:  
Mariah McNair, Grants Specialist  
510 L Street, Suite 410  
Anchorage, AK 99501  
Phone: (907) 271-2367  
Fax: (907) 271-1415  
Email: [mmcnair@denali.gov](mailto:mmcnair@denali.gov)